Connecticut Department of Transportation

List of Proposals
2013 General Assembly

Contact: Pam Sucato, (860) 594-3013

1. **AAC the Local Bridge Program** – Companion to $15M capital request – Reform proposal to increase reimbursement rate to municipalities, reduce interest rate, allow municipalities to borrow enough funds to complete entire project, remove 15% cap on engineering costs, etc.

2. **AA Establishing a Local Transportation Capital Program** – Companion to $40M capital request – To streamline the flow of transportation funding to local governments by requesting state bond allocations annually in exchange for the federal transportation funding currently available and administered through ConnDOT.

3. **AAC CTfastrak Implementation** – Amend the definition of "highway" to include dedicated roadway for bus rapid transit and restrict the use of such dedicated roadway to facilitate operation of CTfastrak.

4. **AAC Minor Revisions to DOT Statutes –** Multi-section bill that includes 7 resubmittals from 2012 session:

   Sec.1. Revisions to transportation land acquisition and disposal statutes – To 1) clarify that all properties that conform to zoning are required to be sold by public bid; 2) to allow ConnDOT to continue to market property after a public bid elicits no bids without further public notice; and 3) increase the threshold for requiring two appraisals for the release of state property from $100,000 to $250,000;

   Sec.2. To allow ConnDOT to enter into agreements with VT for NHHS - NEW;

   Sec.3. Allows DOT Commissioner to delegate authority for certification of public records to Bureau Heads within the organization – NEW;

   Sec.4. To implement a ConnDOT permitting system for filming, rather than rely on existing statutes that historically are used to convey an interest in real property, requiring additional approvals, such as from the State Properties Review Board.

   Sec.5. Allow ConnDOT same authority as DPW to grant easements to public service companies to bring utility service to a ConnDOT facility or office;

   Sec.6. Repeal requirement to publish and submit a Master Transportation Plan;

   Sec.7. Bridge height exemption at Metro Fairfield from mandated height;

   Sec.8. To allow ConnDOT to suspend or revoke a marine pilot's license if they are physically unable to perform their duties

Sec.9. To allow Connecticut marine pilots to self-certify their pilot boats in lieu of a state regulated program.

5. **AAC Disposition of Route 6 Property** – To repeal redundant statutory language which governs the disposition of land acquired for the Route 6 Expressway in eastern Connecticut.

6. **AAC Duplicative Affirmative Action Plans** – To allow ConnDOT to submit its federally required (FHWA/FTA) Affirmative Action Plan to the CHRO in lieu of a separate Affirmative Action Plan in accordance with CHRO regulations.

7. **AAC Exemptions from Prohibition on Use of Hand-Held Mobile Telephones and Electronic Devices while Driving** – To amend language passed last session relative to exemptions for "ham operators" that will place CT into compliance with federal rules for the purpose of receiving federal grants.

8. **AAC Outdoor Advertising** – To increase fees for outdoor advertising permits and amend certain permit requirements.

9. **AAC Safety Belts** – To require all occupants in a motor vehicle to wear a safety belt.

10. **AAC Protective Headgear for Motorcycle Operators and Passengers** – Mandatory helmet law for all motorcyclists and passengers.

Agency Legislative Proposal - 2013 Session

Document Name: 100112_DOT_Minor Revisions to ConnDOT Statutes.

(If submitting an electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)

State Agency: Department of Transportation

Liaison: Pam Sucato
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Title of Proposal: An Act Concerning Revisions to Department of Transportation Statutes.

Statutory Reference: 13a-80; 13b-15; 13b-20; 13b-79u(b); 13b-251; 15-13; 15-15e. 2 NEW sections.

Proposal Summary:

Section 1: ConnDOT proposes changes to CGS 13a-80 regarding disposition of excess state property to conform statute to existing practice based upon various AG interpretations. The changes will: 1) clarify the statutory requirement for a public bid for properties that conform to zoning; 2) provide cost saving measures once statutory requirements are met; and 3) increase the threshold for requiring two appraisals for the release of state property.

Section 2: Technical amendment to allow ConnDOT to enter into agreements with the State of Vermont, in addition to the state of Massachusetts, to facilitate operation and development of the New Haven-Hartford-Springfield rail line.

Section 3: To allow the DOT Commissioner the latitude to delegate authority for certification of public records to Bureau Heads within the organization. Further, it allows the DOT Commissioner to delegate the authority to sign agreements, contracts and other legal and binding documents to appropriate agency staff.

Section 4: To allow ConnDOT to implement a permitting system for film companies that seek to film on ConnDOT property or state highway right-of-way, rather than rely on existing statutes that historically are used to convey an interest in real property, requiring additional approvals, such as from the State Properties Review Board (SPRB).

Section 5: To allow ConnDOT to grant easements to public service companies in connection with bringing utility service to a ConnDOT facility. We are seeking the equivalent authority that the Department of Construction Services (formerly the Department of Public Works) has, pursuant to CGS 4b-22a, to grant easements to public service companies.

Section 6: To repeal the requirement for ConnDOT to publish and submit a Master Transportation Plan to the Governor by January 31 in every odd-numbered year.

Section 7: To authorize the Commissioner of Transportation to construct a new access road with a 4 lane vehicular bridge over Metro-North Railroad that provides an overhead clearance that is less than the required minimum 22'6" pursuant to CGS 13b-251. The new bridge, 1300 feet west of Black Rock Turnpike will provide an overhead clearance of 22'2"and is owned by the town of Fairfield.

Section 8: Currently, CGS 15-13 allows the Commissioner to suspend or revoke a Connecticut marine pilot's license for the following four reasons - 1) incompetence, 2) neglect of duty, 3) misconduct, or 4) using a vessel owned or operated by a person who has not obtained proper compliance certification. This proposal adds a fifth reason - the physical inability of a pilot to perform his/her duties.

Section 9: To allow licensed Connecticut marine pilots to self-certify their vessels in lieu of a state regulated program.

Please attach a copy of fully drafted bill (required for review)

PROPOSAL BACKGROUND

- **Reason for Proposal**

Section 1: Agency efficiency. ConnDOT transfers excess state property under CGS 13a-80. Current statute makes it difficult to process the disposition of state land in an efficient manner. The cost associated advertising properties for public bid and the cost and delays associated with obtaining an appraisal report have caused undue burdens on the state and the parties who wish to purchase state property

Over the years, this section of statute has been revised and the result has become an inefficient and costly administrative process for the disposition of state property. The re-write will allow for consideration of all existing requirements for the disposition of excess state property; including appraisals, right of first refusal to former owners, legal lots of record, and public bids, while providing more clarity and flexibility to the state's requirements. The Costs for appraisal and advertising for bids will be reduced and the process should become more streamlined for faster processing time.

Current language in CSG 13a-80 states "...the department shall obtain a second appraisal if such property is valued over one hundred thousand dollars and is not to be sold through public bid or auction." This would imply that the Department has the means to sell properties without holding a public bid. It is in the best interest of the state and the general public to have all properties that conform to zoning announced for public bid. The Department's current policy reflects this notion and the modified language would ensure transparent transactions via public bids.

In addition, the statute as currently written does not provide a mechanism for the Commissioner to continue to market properties for sale when a public bid elicits no bids, other than to have another public bid. Increasing advertising costs, as well as indirect costs such as personnel resources, make selling state property solely through a public bid inefficient. One public bid would be required, as stipulated in the paragraph above. If no bids are received, then the Commissioner may continue to market the property for sale and release the property without further public notice. This would save in advertising costs, allow the Department flexibility in developing a sale, and expedite a potential sale by interested buyers after the public bid has occurred.

Finally, CGS 13a-80 requires that a second appraisal be obtained for properties over one hundred thousand dollars ($100,000) and are not sold by public bid. This would occur for sole abutter sales and for sales to former residential property owners upon which a single-family dwelling was situated at the time it was obtained by the department for highway purposes if the sale occurs within 25 years of the

properties acquisition (13a-80(c)). Presumably, requiring two appraisals for properties valued above $100,000 was to ensure "valuable" properties were appraised appropriately. The $100,000 threshold was established in 1986 with the addition of subsection (b) to the statute. Since the threshold has not been adjusted in 25 years, it is requested to increase it to $250,000. The increase to $250,000 will reduce contracting costs to the Department's contracted appraiser and reduce delays in releasing state property.

Section 2: CGS 13b-79u currently allows the DOT Commissioner to enter into agreements with the commonwealth of Massachusetts or any entity on its behalf. The State of Vermont needs to be added since they will be involved in the agreements that are entered into regarding or relating to cost allocation pursuant to the federal Passenger Rail Reinvestment Act (PRIIA).

Section 3: Current statutes limit the Commissioner of Transportation's ability to delegate certain administrative and contractual authority. The purpose of this legislation is to allow more flexibility and efficiency in carrying out the various administrative functions and responsibilities of the Department. Historically, this agency would have multiple appointed Deputy Commissioners with oversight responsibility of major departmental bureaus. As such, delegation of authorities to those appointed Deputies was sufficient. The Agency today has few appointed Deputies. Bureaus are administered by state employee managers as "bureau heads." Additionally, the Section title language referencing the State Traffic Commission has been revised to reference the State Traffic Administration which was revised in legislation in 2012.

Section 4: Service delivery improvement. In order to expeditiously and efficiently grant permission to, DOT wants to implement a simple permitting mechanism.

The State established a program, pursuant to CGS 12-217jj, which seeks to encourage the production of digital media and motion pictures in the State of Connecticut in order to enhance the quality of life and economic vitality of Connecticut by supporting the film and media industry and related job creation in the State of Connecticut. In order to expeditiously and efficiently grant permission to film companies that seek to film on ConnDOT property or state highway right-of-way, the Department wants to implement a permitting system for filming, rather than rely on existing statutes that historically are used to convey an interest in real property, requiring additional approvals, such as from the State Properties Review Board (SPRB). Filming companies require flexible scheduling and prompt approval of their requests, which is not often possible with the current agreement process and review (e.g., SPRB) process. A permitting system, as opposed to a traditional agreement process, will be more efficient and attract the film industry to the state. State resources will be saved as agreement preparation and processing will be eliminated.

All protections to the State will be built into the permit, with insurance requirements being set on a case-by-case basis, by ConnDOT in consultation with the State's Director of Insurance and Risk Management (DAS-Insurance and Risk Management Board), based upon the complexity of the filming request.

Section 5: Streamline existing process; agency efficiency. When the Department renovates existing or constructs new facilities to support its operations, including, but not limited to, its highway maintenance

operations, in many instances the most efficient and economical means of providing utility service to the facility is to connect to a public utility. While installations in the State highway right-of-way are addressed in CGS 13a-126, installations in or on ConnDOT property are not currently addressed.

In some instances of bringing new utility service to ConnDOT property, the public utility company has to install facilities such as pipes, valves, meters, regulators, compressors, fixtures, metering devices and any other apparatus and appurtenances needed to provide utility service, in or on State property, and in instances when substantial installation is required, will not do so without obtaining a permanent property right for its facilities to be placed on and remain on State property. The Department is seeking the equivalent authority that the Department of Construction Services (formerly the Department of Public Works) has, pursuant to CGS 4b-22a, to grant easements.

Section 6: Eliminate duplication of efforts. The MTP is required by state statute and is prepared by ConnDOT every 2 years. The requirement for the MTP dates backs to 1969 legislation. It was originally intended as a comprehensive planning document with a 10-year planning horizon; its role has been largely duplicated or replaced by the other three documents. Most notably, in 1991, the federal government enacted legislation requiring every state to prepare a Long-Range Transportation Plan with a 20-year planning horizon. This federally mandated plan now largely replaces the long-range comprehensive planning function of the MTP. The Five-Year Capital Plan, which was first published in 2010, now provides detailed project-specific costs and schedule information that the MTP used to provide.

Federal laws and regulations also require state transportation agencies to prepare and update every two years, a Statewide Transportation Improvement Program (STIP) as a condition for obtaining federal authorization to spend federal transportation funds on projects. The STIP is a four-year financial document which lists all projects in the state that are expected to be funded in those four years with federal funds. It also lists all regionally significant projects, regardless of funding source, which will be undertaken within the state that could affect air quality. It is the means by which the goals and objectives identified in the state and regional long-range transportation plans are implemented. In light of the economic uncertainties at the state and federal levels, it is not feasible to indicate project priorities by need and fiscal capability beyond a four-year period.

It is proposed that that CGS 13b-15, which requires the Department to develop a master transportation plan, be eliminated because the information presented in this plan is included in either the federally mandated, statewide long-range transportation plan or could be included in the Department's annual Capital Plan. The Capital Plan could be expanded to include project data for all the modes of transportation for which the Department is responsible.

Section 7: CGS 13b-251 (2) requires overhead clearance for any structure crossing any railroad tracks on which trains are operated that are attached to or powered by means of overhead electrical wires to be 22'- 6". This proposal allows ConnDOT to construct a bridge carrying the Metro Center Access Road over the Metro-North Railroad in Fairfield that provides an overhead clearance that is less than the required minimum 22'-6" by four inches - 22'2".

As part of the development of the new Fairfield Metro Railroad station, a new access road, with a four lane vehicle bridge over Metro-North Railroad, 1300 feet west of Black Rock Turnpike was necessary.

The design of this bridge was constrained by a number of factors that included: a jacked drainage system under the tracks east of the bridge; geometry of the access road to the station parking and limited distances to overhead Metro-North feeder wires.

CGS 13b-251 further requires any legislative exemption from this minimum clearance be accompanied by documentation from the Department assessing the impacts and cost of achieving the minimum clearance. *Documentation is attached that determines, as part of the design phase, that it is not desirable to achieve an even greater clearance on this bridge because of geometric and economic constraints.* Please note: This bridge has already been constructed. In years past, we have sought this exemption prior to construction.

Section 8: This is considered a technical error. Without this provision, the Commissioner would not have the authority to suspend the state issued license of a pilot who has medically been found not fit for duty.

Section 9: Currently, CGS 15-15e requires pilot boat operators to obtain a certificate of compliance from ConnDOT. To date, the regulations have not been adopted and the Department does not have staff to inspect/certify vessels of any type. Pilot Boat operators are required to obtain surveys conducted by qualified surveyors as part of their respective insurance policies. Changing the burden of the "certification" program is an efficient manner to obtain the goal of safety at sea and protection of the marine environment without burdensome regulations and associated liability.

Other states have positive, safety navigation programs and allow a similar certification to the one the Department is proposing. This proposal was also discussed with the Connecticut Pilot Commission and initiated after discussion with one such licensed CT marine pilot.

- **Origin of Proposal** **_x__ New Proposal** **_x__ Resubmission**

Sections 1 and 4-9 are resubmittals. Proposals did not make it past the Transportation Committee for unspecified reasons.

PROPOSAL IMPACT

- **Fiscal Impact** (please include the proposal section that causes the fiscal impact and the anticipated impact)

Municipal : None

State

Sec.1 - ConnDOT would save direct costs on contracting services for appraisals and indirect costs for the additional delay in the conveyance process.

Sec. 7 - Estimated cost savings with exemption [add 4 inches of clearance] is $500,000.00.

Other sections result in savings of resources and personnel and increase agency efficiency.

Federal: None

Additional notes on fiscal impact

AN ACT CONCERNING REVISIONS TO DEPARTMENT OF TRANSPORTATION STATUTES.

Section 1: Section 13a-80 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(a) The [commissioner] Commissioner of Transportation, with the advice and consent of the Secretary of the Office of Policy and Management and the State Properties Review Board may sell, lease and convey, in the name of the state, or otherwise dispose of, or enter into agreements concerning, any land and buildings owned by the state and obtained for or in connection with highway purposes or for the efficient accomplishment of the foregoing purposes or formerly used for highway purposes, which real property is not necessary for such purposes. The commissioner shall notify the state representative and the state senator representing the municipality in which said property is located within one year of the date a determination is made that the property is not necessary for highway purposes and that the department intends to dispose of the property.

(b) The Department of Transportation shall obtain a full appraisal on excess property prior to its sale and shall hold a public bid or auction for all properties determined to be legal lots of record. [Except as provided in subsection (c) of this section, transfers] If the department does not receive any bids at the initial public bid or auction, it may continue to market the property and accept offers for sale, or hold another bid or auction. Transfers to other state agencies and municipalities for purposes specified by the department shall be exempt from the appraisal requirement. The department shall offer parcels which are legal lots of record to other state agencies prior to a public bid or auction and shall offer parcels which are not legal lots of record to all abutting landowners in accordance with department regulations. If the sale or transfer of property pursuant to this section results in the existing property of an abutting landowner becoming a nonconforming use as to local zoning requirements, the Commissioner of Transportation may sell or transfer the property to such abutting landowner without public bid or auction. The department shall obtain a second appraisal if such property is valued over [one] two hundred fifty thousand dollars and is [not] to be sold [through public bid or auction] to an abutting landowner or in accordance with the provisions of subsection (c) of this section. Any appraisals [or value reports] shall be obtained prior to the determination of a sale price of the excess property.

(c) Notwithstanding the provisions of sections 3-14b and 4b-21, no residential property upon which a single-family dwelling is situated at the time it is obtained by the department for highway purposes may be sold or transferred pursuant to this section within twenty-five years of the date of its acquisition without the department's first offering the owner or owners of the property at the time of its acquisition a right of first refusal to purchase the property at the amount of its appraised value as determined in accordance with the provisions of subsection (b) of this section. [, except for property offered for sale to municipalities prior to July 1, 1988.] Notice of such offer shall be sent to each such owner by registered or certified mail, return receipt requested, within one year of the date a determination is made that such property is not necessary for highway purposes. Any such offer shall be terminated by the department if it has not received written notice of the owner's acceptance of the offer within sixty days of the date it was mailed. [Whenever the offer is not so accepted, the department shall offer parcels which meet local zoning requirements for residential or commercial use to other state agencies and shall offer parcels which do not meet local zoning requirements for residential or commercial use to all

abutting landowners in accordance with department regulations. If the sale or transfer of the property pursuant to this section results in the existing property of an abutting landowner becoming a nonconforming use as to local zoning requirements, the Commissioner of Transportation may sell or transfer the property to that abutter without public bid or auction.] The commissioner shall adopt regulations, in accordance with the provisions of chapter 54, establishing procedures for the disposition of excess property pursuant to the provisions of this subsection in the event such property is owned by more than one person.

(d) Where the department has in good faith and with reasonable diligence attempted to ascertain the identity of persons entitled to notice under subsection (c) of this section and mailed notice to the last known address of record of those ascertained, the failure to in fact notify those persons entitled thereto shall not invalidate any subsequent disposition of property pursuant to this section.

Sec. 2. Sec. 13b-79u. Operation of New Haven-Hartford-Springfield rail line.

(a) The Commissioner of Transportation is authorized and directed, in consultation with the Secretary of the Office of Policy and Management and with the approval of the Governor, to enter into any agreements with the National Rail Passenger Corporation or its successor in interest that are necessary for the operation of rail passenger service on the New Haven-Hartford-Springfield rail line.

(b) The commissioner is authorized and directed, in consultation with the secretary and with approval of the Governor, to enter into any agreements with the commonwealth of Massachusetts or any entity authorized to act on its behalf or the State of Vermont or any entity authorized to act on its behalf that are necessary for the state's participation in the provision of rail passenger service on the New Haven-Hartford-Springfield rail line.

(c) The commissioner is authorized and directed, in consultation with the secretary and with the approval of the Governor, to select through a competitive process and contract with an operator or operators for rail service on the New Haven-Hartford-Springfield rail line.

Sec. 3. Sec. 13b-20. Records. Certified copies furnished by department or State Traffic [Commission] Administration (formerly State Traffic Commission). (a) The Commissioner of Transportation shall keep a record of all proceedings and orders pertaining to the matters under said commissioner's direction and copies of all plans, specifications and estimates submitted to said commissioner. Said commissioner shall furnish to any court in this state without charge certified copies of any document or record pertaining to the operation of the department, and any certified document or record of the commissioner, attested as a true copy by the commissioner, the deputy commissioner, the chief engineer of the department, or any deputy commissioner or bureau head for an operating bureau, shall be competent evidence in any court of this state of the facts contained in such document or record. The commissioner may delegate to the deputy commissioner, the chief engineer, [and]the deputy commissioners or bureau head for operating bureaus, and other agency staff as appropriate, the authority to sign any agreement, contract, document or instrument which the commissioner is authorized to sign and any such signature shall be binding and valid.

Sec. 4. (NEW) The Commissioner of Transportation may issue a filming permit, on a form required by the Commissioner, to any person seeking to film upon the state highway right-of-way or state real property under the custody and control of the Department of Transportation. Such permit shall specify the insurance coverage that the permittee shall be required to obtain, as determined by the Commissioner in consultation with the state's Director of Insurance and Risk Management, with the state named as an additional insured. No liability shall accrue to the state or any agency or employee of the state for any injuries or damages to any person or property that may result, either directly or indirectly, from the filming activities of the permittee on state real property or state highway right-of-way.

Sec. 5 (NEW) The Commissioner of Transportation may grant easements with respect to land owned by the state to a public service company, as defined in section 16-1, the owner of a district heating and cooling system, or a municipal water or sewer authority, in connection with bringing utility service to a Department of Transportation facility or office, subject to the approval of the State Properties Review Board.

Sec. 6 Section 13b-15 is repealed.

Sec. 7. Sec. 13b-251. (Formerly Sec. 16-82a). Overhead clearances for railroad tracks. Approval by legislature. (a) The minimum overhead clearance for any structure crossing over railroad tracks for which construction is begun on or after October 1, 1986, shall be twenty feet, six inches, except that, (1) if the construction includes only deck replacement or minor widening of the structure, and the existing piers or abutments remain in place, the minimum overhead clearance shall be the structure's existing overhead clearance; (2) the minimum overhead clearance for any structure crossing any railroad tracks on which trains are operated that are attached to or powered by means of overhead electrical wires shall be twenty-two feet, six inches; (3) the minimum overhead clearance for the structure that carries (A) Route 372 over railroad tracks in New Britain, designated state project number 131-156, (B) U.S. Route 1 over railroad tracks in Fairfield, designated state project number 50-6H05, (C) Route 729 over railroad tracks in North Haven, designated state project number 100-149, (D) Grove Street over railroad tracks in Hartford, designated state project number 63-376, (E) Route 1 over railroad tracks in Milford, designated state project number 173-117, (F) Ingham Hill Road over railroad tracks in Old Saybrook, designated state project number 105-164, (G) Ellis Street over railroad tracks in New Britain, designated state project number 88-114, (H) Route 100 over the railroad tracks in East Haven, bridge number 01294, and (I) Church Street Extension over certain railroad storage tracks located in the New Haven Rail Yard, designated state project number 92-526, shall be eighteen feet; (4) the minimum overhead clearance for those structures carrying (A) Fair Street, bridge number 03870, (B) Crown Street, bridge number 03871, and (C) Chapel Street, bridge number 03872, over railroad tracks in New Haven shall be seventeen feet, six inches; (5) the minimum overhead clearance for the structure carrying State Street railroad station pedestrian bridge over railroad tracks in New Haven shall be nineteen feet, ten inches; (6) the overhead clearance for the structure carrying Woodland Street over the Griffins Industrial Line in Hartford, designated state project number 63-501, shall be fifteen feet, nine inches, with new foundations placed at depths which may accommodate an overhead clearance to a maximum of seventeen feet, eight inches; (7) the Department of Transportation may replace the Hales Road Highway Bridge over railroad tracks in Westport, Bridge Number 03852, with a new bridge that provides a

minimum overhead clearance over the railroad tracks that shall be eighteen feet, five inches; [and] (8) the Department of Transportation may replace the Pearl Street Highway Bridge over railroad tracks in Middletown, Bridge Number 04032, with a new bridge that provides a minimum overhead clearance over the railroad tracks that shall be seventeen feet, eleven inches; and (9) the Department of Transportation may construct a new bridge that provides a minimum overhead clearance of twenty-two feet, two inches for the structure carrying Metro Center Access Road over the Metro-North Railroad in Fairfield.

Sec. 8. Sec. 15-13. Pilots; qualifications; license fee; bond; suspension or revocation of license; inactive status; limited licenses; regulations.

(e) Said commissioner may inactivate, suspend or revoke any pilot's license for (1) incompetence, (2) neglect of duty, (3) misconduct (4) physical limitations preventing performance of duties or [(4)] (5) using a vessel owned or operated by a person who has not obtained a certificate of compliance under the provisions of section 15-15e for the purpose of embarking or disembarking another vessel in open and unprotected waters. Any person aggrieved by the action of said commissioner under the provisions of this subsection may appeal therefrom in accordance with the provisions of section 4-183.

Sec. 9. Sec. 15-15e. Owners or operators of certain pilot boats to obtain certificate of [compliance] insurance. Penalty. (a)[On and after October 1, 1997, no owner] Owners or operators of a vessel [may] used to transport or offer to transport a pilot licensed under the provisions of section 15-13 for the purpose of embarking or disembarking another vessel in open and unprotected waters [unless such owner or operator has] shall [obtained] obtain a certificate of [compliance] insurance from [the Commissioner of Transportation.] an insurance carrier based on a survey conducted and documented by a qualified marine surveyor. Marine surveyors will be guided by applicable U.S. Coast Guard regulations if any and standards set by insurance companies for the insurability of the vessel. [On and after October 1, 1997, the Commissioner of Transportation shall issue a certificate of compliance to each owner or operator of a vessel used to transport a licensed pilot for the purpose of embarking or disembarking another vessel in open and unprotected waters who complies with the requirements specified in regulations which shall be adopted by the commissioner in accordance with the provisions of chapter 54. The regulations shall specify (1) standards and procedures for the issuance and renewal of such certificate; (2) grounds for the suspension of such certificate; (3) requirements relative to the inspection of such vessels, including the designation and qualifications of inspectors of such vessels and the maintenance and inspection of logs in each such vessel; (4) the procedures for embarkation and disembarkation of pilots; and (5) the operation of and equipment required on each such vessel. Such regulations may establish standard rates for the use of each such vessel for such purpose. For the purposes of this subsection, "open and unprotected waters" means waters located east of the area depicted on the National Oceanic and Atmospheric Administration charts of the eastern portion of Long Island Sound as "The Race".]

(b) Any person who [violates any provision of] fails to comply with subsection (a) of this section or any regulation adopted thereunder shall be fined not less than [sixty] five hundred dollars nor more than [two hundred fifty] one thousand dollars [for each such violation].

Agency Legislative Proposal - 2013 Session

Document Name: 100112_DOT_CTfastrak Implementation

(If submitting an electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)

State Agency: Department of Transportation

Liaison: Pam Sucato
Phone: 860-594-3013
E-mail: pamela.sucato@ct.gov

Lead agency division requesting this proposal: Public Transportation

Agency Analyst/Drafter of Proposal: Michael Sanders

Title of Proposal: An Act Concerning CTfastrak Implementation.

Statutory Reference: Sec. 14-1(4); NEW

Proposal Summary:

Sec. 1. Amend the definition of "highway" to explicitly include roadways dedicated for bus rapid transit.

Sec. 2. Access to roadways dedicated to bus rapid transit must be restricted to the vehicles used in providing the public transit service operated by the Department of Transportation and its authorized transit operators, the maintenance vehicles of the Department of Transportation and its authorized maintenance contractors, authorized emergency vehicles, and others specifically authorized in writing by the Commissioner of Transportation.

Please attach a copy of fully drafted bill (required for review)

PROPOSAL BACKGROUND

- **Reason for Proposal**

Sec. 1. The revision to the definition of "highway" is necessary so ConnDOT can appropriately restrict use of the dedicated roadway for bus rapid transit (BRT), known as CTfastrak, that ConnDOT is constructing in order to provide public transit services in between New Britain and Hartford. This dedicated roadway for BRT will not be open to travel by the public by vehicle, by bicycle or on foot, and the Commissioner of Transportation must have the authority to restrict and permit persons as needed on the BRT roadway.

Sec. 2. CTfastrak, the bus rapid transit (BRT) roadway from New Britain to Hartford, is part of the State highway system and assigned a State highway system number. This proposal makes it clear within the statutes that address use of the highways by motor vehicles that the CTfastrak BRT roadway, and any other BRT roadway that Connecticut may construct in the future, are included within the definition of "highway".

- **Origin of Proposal** **_x__ New Proposal** **___ Resubmission**

PROPOSAL IMPACT

- **Agencies Affected** (please list for each affected agency)

Agency Name: Agency Contact (name, title, phone): Date Contacted: Approve of Proposal ____ YES ____NO ____Talks Ongoing
Summary of Affected Agency's Comments
Will there need to be further negotiation? ____ YES ____NO

- **Fiscal Impact** (please include the proposal section that causes the fiscal impact and the anticipated impact)

Municipal (please include any municipal mandate that can be found within legislation)
State
Federal
Additional notes on fiscal impact

- **Policy and Programmatic Impacts** (Please specify the proposal section associated with the impact)

AAC CT*fastrak* IMPLEMENTATION

Sec. 1. *(Effective upon passage)* **Sec. 14-1 (40) is amended to read as follows:**
(40) "Highway" includes any state or other public highway, road, street, avenue, alley, driveway, parkway, [or] place, or dedicated roadway for bus rapid transit service, under the control of the state or any political subdivision of the state, dedicated, appropriated or opened to public travel or other use.

Sec. 2. (NEW) *(Effective upon passage)* **Restricted use of dedicated roadways for bus rapid transit.**
(a) On any highway that is a dedicated roadway for bus rapid transit, no person shall access or travel upon such highway, except as an operator of or passenger in: (1) a motor vehicle authorized by the state to provide public transit service on such highway; (2) an authorized emergency vehicle responding to an emergency call; (3) a vehicle operated by the Department of Transportation or its contractor authorized by the State to perform maintenance on such highway; and (4) any other motor vehicle specifically authorized in writing by the Commissioner of Transportation.
(b) Violation of this section shall be an infraction.

Agency Legislative Proposal - 2013 Session

Document Name: 102411_DOT_DuplicativeAAPlans

(If submitting an electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)

State Agency: Department of Transportation

Liaison: Pam Sucato
Phone: 860-594-3013
E-mail: pamela.sucato@ct.gov

Lead agency division requesting this proposal: Affirmative Action Office

Agency Analyst/Drafter of Proposal: Diane Donato (retired)

Title of Proposal An Act Eliminating Duplication of Department of Transportation Affirmative Action Plans.

Statutory Reference: CGS 46a-68

Proposal Summary: To amend CGS 46a-68(a) to allow CHRO to accept and approve ConnDOT's approved Federal Highway Administration (FHWA)/Federal Transit Administration (FTA)/Federal Rails Administration's (FRA) Affirmative Action Plans and Annual Updates as fulfillment of the requirements of preparing an Affirmative Action Plan under the CHRO Affirmative Action Regulations.

Please attach a copy of fully drafted bill (required for review)

PROPOSAL BACKGROUND

- **Reason for Proposal**

To allow ConnDOT to concentrate its efforts on the **prevention** of discrimination through education and training and allow staff to achieve affirmative action goals, rather than spend hours continually collecting data and writing AA plans for both the state and federal government.

ConnDOT is further seeking this change to eliminate unnecessary duplication of effort and to allow the Department to be in compliance with Federal rules and regulations (which supersede State law when differences in the plans exist). Under this proposal, the Department would be in full compliance with both the federal and state law.

ConnDOT is required under the U. S. Department of Transportation's, FHWA's 23CFR230 Subpart C Appendix A Part II *State Highway Agency Equal Employment Opportunity Programs* and FTA's UMTA Circular 4704.1 *Equal Employment Opportunity Program Guidelines for Grant Recipients* to prepare and submit for approval by the FHWA and FTA Affirmative Action Plans every 3 years with annual updates each year on the off years. FHWA and FTA have come to an agreement among themselves to accept a single AA Plan from ConnDOT that incorporates the requirements of both Federal agencies. (Note: the Department previously engaged in negotiations with CHRO and FHWA/FTA in an effort to compromise

on developing a single AA plan that would be accepted by the three agencies, and while FHWA/FTA were amenable to a compromise with CHRO, CHRO staff indicated that they were not able to negotiate any changes that deviate from the CHRO regulations because they would then not be in compliance with their regulations.)

Presently, the Department must comply with the competing affirmative action requirements of our federal funding sources and the CHRO.

FHWA and FTA provided over $1 Billion in combined FFY2009 and ARRA funds to ConnDOT and $638,650,000.00 in FFY 2010. Failure to fully comply with our federal partners could place the Department's funding at risk as both federal agencies are both looking for full compliance with federal requirements for the composition of the Department's Federal AA Plan during this next Fiscal Year. However, because of the different data reporting requirements surrounding the methodology for the setting of numerical hiring and promotion goals, complying with both the Federal and State Regulations is not possible at the same time. The result would be CONFLICTING GOALS placing the Department in an impossible situation where the Department will not be in compliance with one or the other. Although the Department currently has an "approved" Federal Affirmative Action Plan (AAP), this approval was awarded temporarily based on the CHRO regulations and goal setting process, and it is not assured that it will continue to be accepted in the future. FHWA/FTA's review of ConnDOT's 2010 Annual Update of its Federal Affirmative Action Plan placed increased pressure on ConnDOT to set goals in accordance with the Federal requirements and have asked for a plan to remedy this situation.

Further justification for this proposal:

1. This change in the statute would ***not*** affect the State's policy of non discrimination of the various protected classes nor would it detrimentally impact ConnDOT's Affirmative Action programs. ***The Department's AA Policy Statement and Plan would continue to include all of the protected classes recognized by the State of Connecticut.*** The Department would still continue the preparation and submission of an Affirmative Action Plan; however, it would be in compliance with the Federal requirements of the funding agencies of U.S. DOT which require a different methodology of data collection and a more specific in-depth method of monitoring and reporting than those of the State of Connecticut. Essentially, all of the elements required of the CHRO regulations are also encompassed in the Federal regulations. Federal Law usually supersedes State Law when there are differences in compliance with laws.

2. The Department received $460 million in FFY2009 and $302 million ARRA funds from FHWA; and $139 million in FFY2009 and $152 million ARRA funds from the FTA. (A total of $1,039,000,000); and $494,859,119 from FHWA and $143,791,251 from FTA for FFY 2010 . Both the FHWA and FTA Civil Rights Offices are looking for our full compliance with their regulations governing Internal Affirmative Action Plans from ConnDOT and the Department could be in jeopardy of losing some or all of federal funding due to non compliance.

3. There is a hardship on ConnDOT's Affirmative Action Division at this time due to the requirements of filing two different Plans. This has been exacerbated by the loss of staff during the state's RIP and the more recent loss of an EEO Manager due to acceptance of a promotion at a different State agency.

Furthermore, the Federal requirements surrounding the actual implementation of the AA Plan increased last year requiring increased monitoring and training of Department employees.

4. Federal requirements provide for the AA Plan to be a living document, rather than a paper commitment, and mandate more time and effort on the education, training, implementation as well as monitoring of the Department's employment processes which are the true measures of the success of the AAP. These Federal requirements have resulted in a substantial increase in the emphasis on monitoring and training of staff; and this increased emphasis coupled with the substantial amount of staff time involved in writing two documents that essentially do the same thing, is a duplication of effort that is not an efficient and effective use of declining staffing resources. The acceptance of the Federal AA Plan in lieu of a separate CHRO AA Plan will allow the AA unit of the department to concentrate its efforts on the **prevention** of discrimination through the implementation in the form of education and training.

5. Affirmative Action Plans are vital tools that are utilized to prevent discrimination in the workplace, however, if all of the AA staff time is spent on writing Plans and investigation of complaints, there is no time left to do the actual monitoring and training that is so necessary to assure that equal opportunity is afforded to everyone. The actual writing of the CHRO Plan takes a minimum of 3 ½ months time (full time) of the entire AA Division of 3 EEO Specialists, 1 EEO Manager, and 1 Secretary as well as a significant amount of the EEO Director's time. CHRO has 90 days to review the Plan and either approve, conditionally approve, or disapprove the Plan. These timeframes provide for only 5 ½ months at most for goal achievement, assuming the Plan is fully approved and none of the eighteen (18) sections or various statistics need to be corrected or changed. The CHRO plan for ConnDOT is approximately 900 pages in length. The Federal AA Plan is written in its entirety once every 3 years and is approximately 250 pages in length and the Annual Update is approximately 50-75 pages in length and is reviewed and approved by the FHWA/FTA within 30-60 days of its submission. The Federal AA Plan allows 3 years for goal achievement – a more realistic expectation, which allows for the Affirmative Action staff to sit in and monitor interviews, assist in outreach and recruitment, conduct monitoring analyses, conduct staff training, and perform internal investigations. Note: internal complaint investigations can routinely take up to 50% of an EEO Specialist's time and the number of complaints filed cannot be predicted. As a result of the state's RIP program, the AA Division lost one of its EEO Specialists, and recently lost its EEO Manager to a promotion at another state agency, resulting in increased volume of work to be handled by the two remaining EEO Specialists, putting an additional strain on the AA Division's ability to perform all of its duties. More recently, the AA Division lost its EEO Manager and is uncertain as to whether or not this position will be refilled and if so, at what level.

6. It is paramount that employees be fully educated on the facts surrounding the benefits of an Affirmative Action Plan and the importance of having a diverse workforce united to accomplish the mission of the Department because when misunderstood it can have a divisive impact on the workforce. There are extensive monitoring and training requirements under the Federal AA Plans. This monitoring is an important component in the implementation of Affirmative Action Plans because it affords the Department the ability to identify possible issues of discrimination and correct them before complaints are made and lawsuits are filed; ultimately resulting in saving the Department thousands of dollars in legal and court fees.

7. The CHRO requires the ENTIRE AA Plan as well as the numerical goals be rewritten in its entirety annually, leaving very little time for the actual achievement of goals. With the staff spending the majority of its time gathering data and writing the plan, there is never enough time to interpret any monitoring or conduct the education and training that is required. Goals cannot be completely set until the completion of the Plan, which leaves less than 6 months for the achievement of them.

8. The Federal plan, on the other hand, requires short term goals be set to be achieved in one year allowing for 3 years for the long term goals to be reached. The Federal plan is rewritten every 3 years with new goals set every three years. CHRO requires resetting all goals annually. The Federal plan requires annual updates of activities and goal achievement in the form of a report of activities and goal achievement performed during the year. (Please note that the numerical goals are based in a large part on Census Data which changes every 10 years. Therefore the availability base figures for goal setting do not need to drastically change the numerical goals on an annual basis as State regulations presently mandate.)

9. Presently the AA Division is required to investigate between 20 and 35 internal complaint investigations per year and has 90 days to complete each investigation. This investigation into all complaints of discrimination as mandated by statute combined with the time spent in writing the CHRO Plan and the FHWA/FTA Plans leaves little or no time for the implementation of the plans and the education of employees on prevention of discrimination which is the true purpose of writing AA Plans in the first place.

10. Finally, this proposal would provide for a more efficient affirmative action program in ConnDOT by eliminating the duplication of effort as well as removing the conflict between the Federal and State requirements. The outcome would be achieving the same objective and eliminate redundancy. Writing two (2) plans is not a good focus of our limited resources.

- **Origin of Proposal** ___ **New Proposal** __x_ **Resubmission**

If this is a resubmission, please share:

(1) What was the reason this proposal did not pass, or if applicable, was not included in the Administration's package?
(2) Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?
(3) Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?
(4) What was the last action taken during the past legislative session?

During the 2010 session, the GAE Committee favorably reported substitute H.B. 5323 unanimously. CHRO and various other organizations opposed the bill which died on the House calendar.

PROPOSAL IMPACT

- **Agencies Affected** (please list for each affected agency)

Agency Name: CHRO
Agency Contact (name, title, phone): Jim O'Neill, Legislative Liaison,
Date Contacted:

Approve of Proposal ___ YES _x_NO ___Talks Ongoing

Summary of Affected Agency's Comments

Will there need to be further negotiation? ___ YES ___NO Maybe, but not sure if they are willing to discuss anything other than the status quo. Philosophically opposed.

- **Fiscal Impact** (please include the proposal section that causes the fiscal impact and the anticipated impact)

Municipal (please include any municipal mandate that can be found within legislation)
State: Potential savings. Would not require refill of 1 EEO Specialist Position @ a savings of $73,790 in salary plus fringe benefits @ a 60.68% rate, resulting in a total savings of $118,566 per year. Would underfill the vacated EEO Manager position with an EEO Specialist 2 resulting in a total savings of $30,409 in salary and $21,134 in fringe benefits for a total savings of $51,543 on that position. The total savings on salaries and fringes would be $160,109. It is not possible to figure the dollars that would be saved in legal fees and compensatory damages as a result of the emphasis on "prevention".
Federal: Potential significant loss of federal funding if Department is considered to be non compliant – approximately $640 million in federal funding could be tied up.
Additional notes on fiscal impact

- **Policy and Programmatic Impacts** (Please specify the proposal section associated with the impact)

An Act Eliminating Duplication of Department of Transportation Affirmative Action Plans.

Section 1. Section 46a-68 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Each state agency, department, board and commission shall develop and implement, in cooperation with the Commission on Human Rights and Opportunities, an affirmative action plan that commits the agency, department, board or commission to a program of affirmative action in all aspects of personnel and administration. [Such] Except as provided in section 2 of this act, such plan shall be developed pursuant to regulations adopted by the Commission on Human Rights and Opportunities in accordance with chapter 54 to ensure that affirmative action is undertaken as required by state and federal law to provide equal employment opportunities and to comply with all responsibilities under the provisions of sections 4-61u to 4-61w, inclusive, sections 46a-54 to 46a-64, inclusive, section 46a-64c and sections 46a-70 to 46a-78, inclusive. The executive head of each such agency, department, board or commission shall be directly responsible for the development, filing and implementation of such affirmative action plan. The Metropolitan District of Hartford County shall be deemed to be a state agency for purposes of this section.

Sec. 2. (NEW) (*Effective July 1, 2010*) For purposes of complying with the requirement for submitting an affirmative action plan in accordance with subsection (a) of section 46a-68 of the general statutes, as amended by this act, the Department of Transportation may submit the affirmative action plan that the department is required to file every three years with the Federal Highway Administration and Federal Transit Administration, and the annual updates to such plan, to the Commission on Human Rights and Opportunities not later than thirty days after such plan or each update is approved by the Federal Highway Administration and Federal Transit Administration. The commission may approve such plan or update without further review.

Agency Legislative Proposal - 2013 Session

Document Name: 100112_DOT_Local Transportation Capital Program

(If submitting an electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)

State Agency: Department of Transportation

Liaison: Pam Sucato
Phone: 860-594-3013
E-mail: pamela.sucato@ct.gov

Lead agency division requesting this proposal: Engineering & Construction

Agency Analyst/Drafter of Proposal: Thomas A. Harley

Title of Proposal: An Act Establishing a Local Transportation Capital Program.

Statutory Reference: NEW

Proposal Summary:

The Department of Transportation shall administer a reimbursable Transportation Capital Grant Program for local governments. The Commissioner would request State bond allocations supported by the State Transportation Fund as part of the budget process. If funded (annual bond allocations) the program is intended to make capital funding available to local governments in lieu of federal transportation funding currently available and administered through the Department of Transportation.

There are a variety of federal funding categories that are allocated to the DOT and then sub-allocated to local government. The primary focus is on the $40 million Federal-Urban program which DOT has historically sub-allocated to town governments. If funded in a given fiscal year, the state DOT would direct an appropriate portion of the federal urban funding to its own capital program. In effect, the new state funding would replace the current federal urban funding for towns. The federal urban funds would then be incorporated into the DOT Capital Program for use on state owned assets.

The annual budget request would coincide with the anticipated federal funding levels available for the local transportation program.

Please attach a copy of fully drafted bill (required for review)

PROPOSAL BACKGROUND

- **Reason for Proposal**

This proposal is put forth in an effort to implement efficiencies in state government and streamline the flow of capital transportation funding to local government.

Federal transportation authorizations have historically contained provisions that allow utilization of certain portions of the funds on locally owned assets; but federal funds are typically more difficult to use and administer than state funds. This was particularly apparent with the federal stimulus program in which a significant percentage of the funding was directed to local governments. It is generally recognized that the constraints and regulations attached to federal funds can be burdensome.

The State DOT is heavily reliant on federal funds and is essentially organized to carry out a federal program. Town governments are not. This legislation is intended to provide local governments with state transportation funds in lieu of the federal transportation funds. This proposal will make the State DOT's oversight role easier and of course the local governments will find the state funds easier to use. Furthermore, the state funding provided to the local governments should buy more capital improvement

and less administration.

The intent and language of the proposed legislation is to replace Federal Urban funding. If the state funding is made available to DOT to distribute to local governments (or the corresponding MPOs), a corresponding amount of federal urban funding would be allocated to the DOT's Capital Program, rather than sub-allocating it to the local governments as currently done. Indirectly, the new state funding would increase the State DOT Capital Program while keeping the municipalities whole (financially). The new efficiencies in the program will be enjoyed by both parties.

The DOT has initiated discussions with the various MPO's regarding administration of the new grant program. There is support in those organizations for the conceptual change though the specifics of program have not been settled.

- **Origin of Proposal** **__x_ New Proposal** **___ Resubmission**

This is a new proposal intended to promote efficiencies in State and Local government transportation capital programs. The numerous stakeholders include all 169 towns though principally those with federally designated 'urban' areas. Nothing in the language would preclude expansion to other federally funded transportation programs however the initial focus and intent will be the $40 million (annual) federal-urban program(s). Other stakeholders include all legislators, the construction industry and CCM.

PROPOSAL IMPACT

- **Agencies Affected** (please list for each affected agency)

Agency Name:
Agency Contact (name, title, phone):
Date Contacted:

Approve of Proposal ___ YES ___NO ___Talks Ongoing

Summary of Affected Agency's Comments

Will there need to be further negotiation? ___ YES ___NO

- **Fiscal Impact** (please include the proposal section that causes the fiscal impact and the anticipated impact)

Municipal (please include any municipal mandate that can be found within legislation)

No mandate – intended to reduce administrative burdens while maintaining transportation funding levels

State

Federal
None

Additional notes on fiscal impact

- **Policy and Programmatic Impacts** (Please specify the proposal section associated with the impact)

This is proposed to be an annual DOT budget item, requiring approximately $45 million in state bonding from the STF. Current federal Transportation Legislation provides roughly $40 million now allocated to towns. If passed this program should be funded fully or not at all, because partial funding would necessitate funding two programs rather than one. Secondly, the funding should be provided every year because the point of the proposal is to reduce federal requirements. The planned capital projects are likely not to be federally compliant so funding changes will disrupt the program.

AN ACT ESTABLISHING A LOCAL TRANSPORTATION CAPITAL PROGRAM.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. (NEW) (Effective from passage) (a) The Commissioner of Transportation may request state bond funds to support a Local Transportation Capital program.

(b) Project eligibility will be as provided for in federal transportation legislation for which this funding is intended to replace with the proviso that the capital investment should have a service life of approximately 20 years, the duration of the bonds that support the program.

(c) Recipient eligibility will be as provided for in federal transportation legislation for which this funding is intended to replace.

(d) The Transportation Department will accept applications for funding from eligible recipients through the appropriate Regional Planning Agencies as provided for in federal transportation legislation for which this funding is intended to replace. (e) The funds shall be provided directly to recipients from the Transportation Department as a grant type award upon appropriate municipal self-certification.

Statement of Purpose:
To create and fund a Local Transportation Capital Program utilizing state bonds supported by the State Transportation fund. The intent is to provide state monies to town governments in lieu of federal monies otherwise available through the federal transportation legislation. The new State program will be established with substantially fewer constraints and requirements than currently allowed of the federal programs. This will provide efficiencies for the Towns and the Transportation Department in its oversight role. The federal monies otherwise intended for the Town governments would be utilized by the Commissioner of Transportation for eligible activities on state owned assets.

Agency Legislative Proposal - 2013 Session

Document Name: 100112_DOT_OA

(If submitting an electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)

State Agency: Department of Transportation

Liaison: Ms. Pam Sucato
Phone: (860) 594-3031
E-mail: Pamela.Sucato@ct.gov

Lead agency division requesting this proposal: Engineering & Construction

Agency Analyst/Drafter of Proposal: John Randazzo

Title of Proposal: An Act Concerning Outdoor Advertising.

Statutory Reference: 13a-123; 21-52; 21-56

Proposal Summary

1. To increase fees for outdoor advertising permits;
2. To require a fee for the transfer of permits between parties;
3. To require permit numbers be no less than twelve inches in height;
4. To increase fees for outdoor advertising applications;
5. To increase a static display to lasting no less than eight seconds;

Please attach a copy of fully drafted bill (required for review)

PROPOSAL BACKGROUND

- **Reason for Proposal**

1. To cover the administrative costs (approx. $400,000.00) associated with maintaining the permitting program, while maximizing revenue for the Special Transportation Fund. The existing permit fee revenue falls far short of the Department's costs associated with regulating the outdoor advertising industry. The proposed fee schedule is more in line with the administrative expenditures necessary to oversee the day to day needs associated with the processing of application packages, field inspections, issuance of State Sign Permit fees, processing tree-trimming requests, monitoring of billboards for compliance with statutes & regulations, compiling the annual billing for permit fees, and the time consuming process of meeting with certain applicants and their legal counsel, many times with the assistance of the Attorney General's Office. It is the position of the Department that these proposed increased sign permit fees will allow for the equitable regulation of the outdoor advertising industry, and will not pose an economic burden to the industry, as the fees represent a very small fraction of their revenue and operating costs.

2. This covers the administrative costs associated with the transfer of State permits between parties. Also, this proposal legitimizes the custom of transferring State sign permits between parties while still charging a minimal sum. This sum is significantly less than what it would cost to apply for a new State sign permit.

3. This will assist in the administration of the outdoor advertising program by having all permitted signs

clearly identified with their respective permit number. The current requirement of no less than two inches in height cannot be reasonably read from the primary road the structure is visible to.

4. To cover the administrative costs associated with reviewing an application for an outdoor advertising permit. The administrative cost associated with the review of an application package is consistent for all outdoor advertising structures.

5. The increase of a static display to eight seconds for electronic or mechanical signs is consistent with a recent suggestion by the Federal Highway Administration.

- **Origin of Proposal** **New Proposal** **X Resubmission**

Died in Transportation Committee.

PROPOSAL IMPACT

- **Agencies Affected** (please list for each affected agency)

Agency Name:
Agency Contact (name, title, phone):
Date Contacted:
Approve of Proposal ___ YES ___NO ___Talks Ongoing

Summary of Affected Agency's Comments

Will there need to be further negotiation? ___ YES ___NO

- **Fiscal Impact** (please include the proposal section that causes the fiscal impact and the anticipated impact)

Municipal: None

State: (1. 2. & 3.) see below

Federal: None

Additional notes on fiscal impact:

Proposed Increase in Sign Permit fees – 2013 Legislative Session – Outdoor Advertising

Panel Size	# of Panels	Existing Fee	Revenue	Proposed Fee	Revenue
0 to 300 sf	1,268	$20	$25,360	$40	$50,720
301 to 600 sf	71	$40	$2,840	$80	$5,680
601 to 900 sf	609	$60	$36,540	$120	$73,080
TOTALS.....	2,448	N/A	$64,740	N/A	$129,480

Proposed fee for the transfer of Sign permits – 2013 Legislative Session – Outdoor Advertising

# of Transfers in 2012	Existing Fee	Revenue	Proposed Fee	Revenue
13 ±	N/A	N/A	$100.00	$1,300.00

- **Policy and Programmatic Impacts** (Please specify the proposal section associated with the impact)

AN ACT CONCERNING OUTDOOR ADVERTISING

(Effective October 1, 2013)

Sec. 21-52. Fees. (a) The fee for an application for a permit to erect or maintain any outdoor advertising structure, device or display shall be as follows: For each panel, bulletin, or sign containing less than three hundred square feet of advertising space, [fifty] **ONE HUNDRED DOLLARS**; and for each panel, bulletin or sign containing three hundred square feet or more of advertising space,[one hundred dollars.]**TWO HUNDRED DOLLARS.**

(b) The annual fee for such permit shall be as follows: For each panel, bulletin or sign containing three hundred square feet or less of advertising space, [twenty] **FORTY** dollars; for each panel, bulletin or sign containing more than three hundred square feet and not more than six hundred square feet of advertising space, [forty] **EIGHTY** dollars; and for each panel, bulletin or sign containing more than six hundred square feet and not more than nine hundred square feet of advertising space, [sixty] **ONE HUNDRED-TWENTY** dollars. No sign shall be erected which contains more than nine hundred square feet of advertising space. A fee shall be paid for each side of each panel, bulletin or sign used for advertising, provided, if two panels, bulletins or signs advertising for the same products or services are attached to the same support or supports, only one annual permit fee shall be paid for each side thereof and the total advertising space on each side thereof shall be used for computing the annual permit fee of each panel, bulletin or sign. The annual permit fee for any part of a year shall bear the same proportion to the annual permit fee for an entire year that the number of months in such part bears to the entire year. **SHOULD A PERMIT BE TRANSFERRED BETWEEN TWO PARTIES A ONE HUNDRED DOLLAR FEE WILL BE ASSESSED TO THE PARTY RECEIVING THE PERMIT.**

Sec. 21-56. Permit Numbers. The commissioner of Transportation shall provide with each permit issued for the display of advertising, under the provisions of this chapter, a permit number which shall be [painted] **CLEARLY POSTED** on each structure in legible figures not less than [two] **TWELVE** inches in height and at the following locations on such advertising billboards and signs: **signs erected on a single post on the side of the post under the sign visible to the road way. Where there are multiple posts on the side of the post which is closest to the road way and visible to the road way. Where there are no support posts then the permit number shall be located at the bottom left hand corner of the display.** The provisions of this section shall not apply to advertising signs or displays on or in railroad stations intended for display to the patrons of railroads. *(1949 Rev., S. 4694; 1972, P.A. 272, S.6.)*

SEC. 13a -123. RESTRICTION OF OUTDOOR ADVERTISING ON INTERSTATE, FEDERAL-AID AND OTHER LIMITED ACCESS HIGHWAYS. INFORMATION CENTERS AT SAFETY REST AREAS.

(f) Notwithstanding the provisions of subsections (a) and (e) of this section, signage that may be changed at intervals by electronic or mechanical process or by remote control shall be permitted within

six hundred sixty feet of the edge of the right-of-way of any interstate, federal-aid primary or other limited access state highway, except as prohibited by state statute, local ordinance or zoning regulation, provided such signage

(1) has a static display lasting no less than **EIGHT** (six) seconds,

(2) achieves a message change with all moving parts or illumination moving or changing simultaneously over a period of three seconds or less, and

(3) does not display any illumination that moves, appears to move or changes in intensity during the static display period.

Agency Legislative Proposal - 2013 Session

Document Name : 100112_DOT_Safety Belts

(If submitting an electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)

State Agency: Department of Transportation

Liaison: Pam Sucato
Phone: (860) 594-3013
E-mail: Pamela.sucato@ct.gov

Lead agency division requesting this proposal: Highway Safety Office

Agency Analyst/Drafter of Proposal: Stephen Livingston

Title of Proposal: An Act Concerning Safety Belts.

Statutory Reference: CGS Section 14-100a

Proposal Summary: To require all occupants in a motor vehicle to wear a safety belt.

Please attach a copy of fully drafted bill (required for review)

PROPOSAL BACKGROUND

- **Reason for Proposal**

Safety. Current statute only requires the driver and front seat passengers to be restrained.

As reported by NHTSA in their report – NHTSA Report Number DOT HS 808 945:

- In all crashes, back seat lap/shoulder belts are 44 percent effective in reducing fatalities when compared to unrestrained back seat occupants.
- In all crashes, back seat lap/shoulder belts are 15 percent effective in reducing fatalities when compared to back seat lap belts.
- Lap/shoulder belts are 29 percent effective in reducing fatalities when compared to unrestrained occupants in frontal crashes.

Back seat outboard belts are highly effective is reducing fatalities when compared to unrestrained occupants in passenger vans and SUVs. Lap belts are 63 percent effective and lap/shoulder belts are 73 percent effective. Belts are so effective in these vehicles because they eliminate the risk of ejection, a

Motorists riding unrestrained in the back seat of a vehicle become a projectile inside the passenger compartment of a motor vehicle when the vehicle becomes involved in a crash. A full grown adult being projected at the front seat passenger area and its' occupants at the speed of the vehicle traveling creates unnecessary risk for severe injury not only to the unbelted passenger but to any and all occupants within the vehicle. Additionally the unbelted occupant stands a greatly increased chance of being ejected from the vehicle where they can come in contact with fixed objects' outside the vehicle or even have the vehicle roll over and crush them. Safety belts save lives not only for front seat passengers but for back seat passengers too.

- **Origin of Proposal** ___ **New Proposal** _X__ **Resubmission**

Administration decision not to move forward.

PROPOSAL IMPACT

- **Agencies Affected** (please list for each affected agency)

Agency Name: Agency Contact (name, title, phone): Date Contacted: Approve of Proposal ___ YES ___NO ___Talks Ongoing
Summary of Affected Agency's Comments
Will there need to be further negotiation? ___ YES ___NO

- **Fiscal Impact** (please include the proposal section that causes the fiscal impact and the anticipated impact)

Municipal: None
State: None
Federal: None
Additional notes on fiscal impact

- **Policy and Programmatic Impacts** (Please specify the proposal section associated with the impact)

AN ACT CONCERNING SAFETY BELTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 14-100a (NEW) (*Effective October 1, 2013*) For the purposes of this section:

Section 14-100a (c) (1) The operator of and any **[front seat]** passenger in a motor vehicle with a gross vehicle weight rating not exceeding ten thousand pounds or firefighting apparatus originally equipped with seat safety belts complying with the provisions of the Code of Federal Regulations, Title 49, Section 571.209, as amended from time to time, shall wear such seat safety belt while the vehicle is being operated on any highway except as follows:

(A) A child six years of age and under shall be restrained as provided in subsection (d) of this section;

(B) The operator of such vehicle shall secure or cause to be secured in a seat safety belt any passenger seven years of age or older and under sixteen years of age; and

(C) If the operator of such vehicle is under eighteen years of age, such operator and each passenger in such vehicle shall wear such seat safety belt while the vehicle is being operated on any highway.

Agency Legislative Proposal - 2013 Session

Document Name: 100112_DOT_Certain Exemptions for Hand Held Cell Phone Use

(If submitting an electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)

State Agency: Department of Transportation

Liaison: Pam Sucato
Phone: 860-594-3013
E-mail: pamela.sucato@ct.gov

Lead agency division requesting this proposal: Highway Safety Office

Agency Analyst/Drafter of Proposal: Joseph T. Cristalli

Title of Proposal: AAC Exemptions from Prohibition on Use of Hand-Held Mobile Telephones and Electronic Devices while Driving.

Statutory Reference: Public Act 12-76 (P.A. 12-67)

Proposal Summary:
Revise PA 12-76 to allow an exemption for the use of a hand-held radio by federally licensed ham operators from the ban on using hand-held cell phones or mobile electronic devices while driving on a highway *only in emergency situations.*

Please attach a copy of fully drafted bill (required for review)

PROPOSAL BACKGROUND

- **Reason for Proposal**

To place the State of Connecticut into compliance with federal rules for purposes of receiving federal grants.

Public Act 12-67 exempts licensed Amateur Radio Operators (HAM Radio) from current cell phone and texting ban legislation to allow use of this device while operating a motor vehicle. This exemption may make Connecticut noncompliant and ineligible to receive federal Section 405e Distracted Driving Grant Program funds available through the National Highway Traffic Safety Administration (NHTSA).

In order to be eligible for this funding source, states are required to have comprehensive primary enforcement laws banning use of a "personal wireless communications device" while operating a motor vehicle. A "personal wireless communications device" is defined in the Communications Act of 1934 (47 U.S.C. 332 (c) (7) (C) (i))).

Legislation passed during the 2012 session allows ham operators to use the devices without the limitations that apply to other exempt or authorized users under existing law.

ConnDOT's Highway Safety Office proposes that the ham operator exemption apply only in emergency situations as permitted in the State's current cell phone and texting ban legislation.

It is anticipated that if Connecticut were to receive these funds, Connecticut State Police and municipal police agencies would be able to apply for overtime enforcement grants to enforce Connecticut's cell phone and texting laws. If Connecticut is not eligible to receive these funds due to P.A. 12-67, this funding would not be available to municipalities

Additionally, section 405e funds are eligible to be used to pay for signage to educate motorists to the State's cell phone and texting laws.

Note: ConnDOT is awaiting further NHTSA legal counsel comments and guidance on this issue. There is a chance this legislative proposal may not be necessary.

- **Origin of Proposal** **__X_ New Proposal** **___ Resubmission**

PROPOSAL IMPACT

- **Agencies Affected** (please list for each affected agency)

Agency Name:
Agency Contact (name, title, phone):
Date Contacted:

Approve of Proposal ___ YES ___NO ___Talks Ongoing

Summary of Affected Agency's Comments

Will there need to be further negotiation? ___ YES ___NO

- **Fiscal Impact** (please include the proposal section that causes the fiscal impact and the anticipated impact)

Municipal: Possible grant eligibility for municipal police overtime

State
Without this proposal, Connecticut may be ineligible to receive an apportionment of $17.5M in federal funds.

Federal: None

Additional notes on fiscal impact
It is anticipated that if Connecticut were to receive these funds, Connecticut State Police and municipal police agencies would be able to apply for overtime enforcement grants to enforce Connecticut's cell phone and texting laws. If Connecticut is not eligible to receive these funds due to P.A. 12-67, this funding would not be available to municipalities. Additionally, section 405e funds are eligible to be used to pay for signage to educate motorists to the State's cell phone and texting laws.

- **Policy and Programmatic Impacts** (Please specify the proposal section associated with the impact)

AAC EXEMPTIONS FROM PROHIBITION ON USE OF HAND-HELD MOBILE TELEPHONES AND ELECTRONIC DEVICES WHILE DRIVING.

Public Act 12-67 is amended to read as follows:

Section 1. Subsection (b) of section 14-296aa of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(b) (1) Except as otherwise provided in this subsection and subsections (c) and (d) of this section, no person shall operate a motor vehicle upon a highway, as defined in section 14-1, while using a hand-held mobile telephone to engage in a call or while using a mobile electronic device while such vehicle is in motion. An operator of a motor vehicle who types, sends or reads a text message with a hand-held mobile telephone or mobile electronic device while such vehicle is in motion shall be in violation of this section, except that if such operator is driving a commercial motor vehicle, as defined in section 14-1, such operator shall be charged with a violation of subsection (e) of this section.

(2) An operator of a motor vehicle who holds a hand-held mobile telephone to, or in the immediate proximity of, his or her ear while such vehicle is in motion is presumed to be engaging in a call within the meaning of this section. The presumption established by this subdivision is rebuttable by evidence tending to show that the operator was not engaged in a call.

(3) The provisions of this subsection shall not be construed as authorizing the seizure or forfeiture of a hand-held mobile telephone or a mobile electronic device, unless otherwise provided by law.

(4) Subdivision (1) of this subsection shall not apply to: (A) The use of a hand-held mobile telephone for the sole purpose of communicating with any of the following regarding an emergency situation: An emergency response operator; a hospital, physician's office or health clinic; an ambulance company; a fire department; or a police department, or (B) any of the following persons while in the performance of their official duties and within the scope of their employment: A peace officer, as defined in subdivision (9) of section 53a-3, a firefighter or an operator of an ambulance or authorized emergency vehicle, as defined in section 14-1, or a member of the armed forces of the United States, as defined in section 27-103, while operating a military vehicle, or (C) the use of a hand-held radio by a person with an amateur radio station license issued by the Federal Communications Commission <u>in emergency situations only as is permitted in the State's current cell phone and texting ban legislation</u>, or (D) the use of a hands-free mobile telephone.

Agency Legislative Proposal - 2013 Session

Document Name: 100112_DOT_Disposition of Route 6 Property

(If submitting an electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)

State Agency: Department of Transportation

Liaison: Pamela Sucato
Phone: 860-594-3013
E-mail: Pamela.Sucato@ct.gov

Lead agency division requesting this proposal: Office of Rights of Way/ Property Management Division

Agency Analyst/Drafter of Proposal: Terrence J. Obey

Title of Proposal: An Act Concerning Disposition of Route 6 Property.

Statutory Reference: CGS 13a-80, Special Act 07-11 Section 31, Special Act 08-8 Section 2

Proposal Summary: Repeal of CGS 13a-85c.

The DOT proposes to rescind Section 13a-85c, which governs the disposition of land acquired for the Route 6 Expressway by the Department of Transportation (DOT), as its language is redundant to Section 13a-80, which governs the disposition of all other excess property by the DOT, and includes additional language that makes the disposition of the property more restrictive.

The distinction in the language of the statutes occurs with two additional requirements under 13a-85c.

The first distinction is the establishment of a sales price based on the average of two appraisals. Section 13a-80 requires only that the DOT obtain an appraisal for all releases of DOT land. The subsequent sales price (in many instances negotiated) and transaction is approved by the Office of Policy and Management, the State Properties Review Board, and the Office of the Attorney General. Section 13a-85c establishes a sales price by averaging two appraisals, thereby removing any room for negotiations for a transaction. This restrictive language could prevent the DOT from generating additional revenue and preclude developers from an opportunity to spur future economic growth.

The second distinction is a requirement to obtain approval from the Federal Highway Administration (FHWA) prior to disposition. This is no longer necessary as FHWA has asked for a return of all federal expenditures associated with the Route 6 Expressway project. The DOT returned more than $11 Million last year so the FHWA no longer has an interest in the future use of the land acquired for the Expressway.

Please attach a copy of fully drafted bill (required for review)

PROPOSAL BACKGROUND

- **Reason for Proposal**

Section 13a-85c was established as a result of the passing of Special Act 07-11 Section 31 which attempted to make a distinction in how to dispose of excess DOT properties that were acquired for the Route 6 Expressway from all other excess properties of the DOT, which are sold via Section 13a-80. At the time of inception, the statute mirrored Section 13a-80 with the exception that the DOT was (1) required to hold a public hearing, (2) obtain approval from FHWA, and (3) establish a sales price of the average of two appraisals. Approval from FHWA was required since federal money was used to purchase the Expressway corridor.

The approval of Special Act 08-8 Section 2 removed the public hearing requirement. However, the language was not modified in Section 13a-85c of the CGS.

The requirement for the approval from FHWA is now a moot point as the DOT has reimbursed the FHWA for all federal expenditures associated with the Route 6 Expressway. Therefore, FHWA has no interest in the future use of the land. The FHWA approval requirement should be eliminated from the statute.

Section 13a-85c declares the sales price to be average of two appraisals. This language is more restrictive than 13a-80 and is contrary to DOT policy of releasing land via a public bid. Having a pre-determined sales price raises questions as to how to fairly release a property when more than one person is interested in the purchase. The language also precludes the DOT from ever entertaining bids that would be above the appraised value.

The removal of the FHWA approval requirement and the elimination of the restrictive appraisal language will leave you with exact language of Section 13a-80. Therefore, it is recommended that Section 13a-85c be removed from the CGS in its entirety

- **Origin of Proposal** ___ **New Proposal** __x_ **Resubmission**

If this is a resubmission, please share:

(1) What was the reason this proposal did not pass, or if applicable, was not included in the Administration's package?
(2) Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?
(3) Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?
(4) What was the last action taken during the past legislative session?

This was proposed in 2012; however it was never acted upon.

PROPOSAL IMPACT

- **Agencies Affected** (please list for each affected agency)

Agency Name: Agency Contact (name, title, phone): Date Contacted: Approve of Proposal ____ YES ____NO ____Talks Ongoing
Summary of Affected Agency's Comments
Will there need to be further negotiation? ____ YES ____NO

- **Fiscal Impact** (please include the proposal section that causes the fiscal impact and the anticipated impact)

Municipal (please include any municipal mandate that can be found within legislation) n/a
State The state would save direct costs on contracting services for appraisals and indirect costs for the additional delay in the conveyance process
Federal n/a
Additional notes on fiscal impact

- **Policy and Programmatic Impacts** (Please specify the proposal section associated with the impact)

AAC Disposition of Route 6 Property.

Section 13a-85c of the Connecticut General Statutes is repealed.

REFERENCE:
The current language for 13a-85c and 13a-80 is as follows:
Sec. 13a-85c. Sale, lease, conveyance or other disposition of excess property obtained in connection with the Route 6 Expressway. (a) The Commissioner of Transportation, with the advice and consent of the Secretary of the Office of Policy and Management and the State Properties Review Board, may sell, lease and convey, in the name of the state, or otherwise dispose of, or enter into agreements concerning, any land and buildings owned by the state and obtained for or in connection with the Route 6 Expressway, which real property is not necessary for such purposes. The commissioner shall notify the chief elected official of the municipality in which said property is located and the state representative and the state senator representing the municipality in which said property is located not later than one year after the date a determination is made that the property is not necessary for highway purposes and that the department intends to dispose of the property. No such determination shall be made without the commissioner first holding a public hearing concerning such proposed disposition and the approval of the Federal Highway Administration.

(b) The Department of Transportation shall obtain a full appraisal on excess property prior to its sale pursuant to this section. Except as provided in subsection (c) of this section, transfers to other state agencies and municipalities for purposes specified by the department shall be exempt from the appraisal requirement. The department shall obtain a second appraisal if such property is valued over one hundred thousand dollars and is not to be sold through public bid or auction. If a second appraisal is obtained, the sale price shall be the average of the two appraisals. Any appraisals or value reports shall be obtained prior to the determination of a sale price of the excess property.

(c) Notwithstanding the provisions of sections 3-14b and 4b-21, no property, whether or not a structure is situated upon it at the time it is obtained by the department for highway purposes, may be sold or transferred pursuant to this section not later than twenty-five years after the date of its acquisition without the department first offering the owner or owners of the property at the time of its acquisition a right of first refusal to purchase the property at the amount of its appraised value as determined in accordance with the provisions of subsection (b) of this section, except for property offered for sale to municipalities prior to the effective date of this section. Notice of such offer shall be sent to each such owner by registered or certified mail, return receipt requested, not later than one year after the date a determination is made that such property is not necessary for highway purposes. Any such offer shall be terminated by the department if it has not received written notice of the owner's acceptance of the offer not later than ninety days after the date it was mailed. Whenever the offer is not so accepted, the department shall offer parcels which meet local zoning requirements for residential or commercial use to other state agencies and shall offer parcels which do not meet local zoning requirements for residential or commercial use to all abutting landowners in accordance with department regulations. If the sale or transfer of the property pursuant to this section results in the existing property of an abutting landowner becoming a nonconforming use as to local zoning requirements, the commissioner may sell or transfer the property to that abutter without public bid or

auction. The commissioner shall adopt regulations, in accordance with the provisions of chapter 54, establishing procedures for the disposition of excess property pursuant to the provisions of this subsection in the event such property is owned by more than one person.

(d) Where the department has in good faith and with reasonable diligence attempted to ascertain the identity of persons entitled to notice under subsection (c) of this section and mailed notice to the last-known address of record of those ascertained, the failure to in fact notify those persons entitled thereto shall not invalidate any subsequent disposition of property pursuant to this section.

(S.A. 07-11, S. 31.)

History: S.A. 07-11 effective July 1, 2007.

Sec. 13a-80. Sale or lease of land by commissioner. Appraisals. Offer to agencies and abutting landowners. (a) The commissioner, with the advice and consent of the Secretary of the Office of Policy and Management and the State Properties Review Board may sell, lease and convey, in the name of the state, or otherwise dispose of, or enter into agreements concerning, any land and buildings owned by the state and obtained for or in connection with highway purposes or for the efficient accomplishment of the foregoing purposes or formerly used for highway purposes, which real property is not necessary for such purposes. The commissioner shall notify the state representative and the state senator representing the municipality in which said property is located within one year of the date a determination is made that the property is not necessary for highway purposes and that the department intends to dispose of the property.

(b) The Department of Transportation shall obtain a full appraisal on excess property prior to its sale. Except as provided in subsection (c) of this section, transfers to other state agencies and municipalities for purposes specified by the department shall be exempt from the appraisal requirement. The department shall obtain a second appraisal if such property is valued over one hundred thousand dollars and is not to be sold through public bid or auction. Any appraisals or value reports shall be obtained prior to the determination of a sale price of the excess property.

(c) Notwithstanding the provisions of sections 3-14b and 4b-21, no residential property upon which a single-family dwelling is situated at the time it is obtained by the department for highway purposes may be sold or transferred pursuant to this section within twenty-five years of the date of its acquisition without the department's first offering the owner or owners of the property at the time of its acquisition a right of first refusal to purchase the property at the amount of its appraised value as determined in accordance with the provisions of subsection (b) of this section, except for property offered for sale to municipalities prior to July 1, 1988. Notice of such offer shall be sent to each such owner by registered or certified mail, return receipt requested, within one year of the date a determination is made that such property is not necessary for highway purposes. Any such offer shall be terminated by the department if it has not received written notice of the owner's acceptance of the offer within sixty days of the date it was mailed. Whenever the offer is not so accepted, the department shall offer parcels which meet local zoning requirements for residential or commercial use to other state agencies and shall offer parcels which do not meet local zoning requirements for residential or commercial use to all abutting landowners in accordance with department regulations. If the sale or transfer of the property

pursuant to this section results in the existing property of an abutting landowner becoming a nonconforming use as to local zoning requirements, the Commissioner of Transportation may sell or transfer the property to that abutter without public bid or auction. The commissioner shall adopt regulations, in accordance with the provisions of chapter 54, establishing procedures for the disposition of excess property pursuant to the provisions of this subsection in the event such property is owned by more than one person.

(d) Where the department has in good faith and with reasonable diligence attempted to ascertain the identity of persons entitled to notice under subsection (c) of this section and mailed notice to the last known address of record of those ascertained, the failure to in fact notify those persons entitled thereto shall not invalidate any subsequent disposition of property pursuant to this section.

(1949 Rev., S. 2226; 1958 Rev., S. 13-105; 1963, P.A. 226, S. 80; P.A. 75-425, S. 48, 57; P.A. 76-253, S. 5, 6; P.A. 77-614, S. 19, 610; P.A. 86-228, S. 2; P.A. 88-283, S. 1, 3; P.A. 03-115, S. 28; P.A. 06-133, S. 3; P.A. 07-232, S. 1.)

History: 1963 act replaced previous provisions: See title history; P.A. 75-425 required consent of public works commissioner and properties review board in addition to that of commissioner of finance and control for disposal of land or buildings or agreements concerning land or buildings; P.A. 76-253 deleted reference to public works commissioner; P.A. 77-614 substituted secretary of the office of policy and management for commissioner of finance and control; P.A. 86-228 editorially added Subsec. (b) concerning appraisal requirements for sale of certain excess property and requiring department to offer parcels meeting local zoning requirements to other state agencies and to offer parcels which do not meet such requirements to all abutting landowners; P.A. 88-283 amended Subsec. (b) to require department to obtain full appraisal on all excess property, regardless of value and to make necessary technical changes, and added Subsec. (c), requiring department to offer owner of residential property obtained for highway purposes a right of first refusal to purchase the property at amount of its appraised value, and requiring commissioner to adopt regulations, and Subsec. (d) re notification of owner; P.A. 03-115 amended Subsec. (a) to require commissioner to notify the state representative and senator representing the municipality in which property is located within one year of the date of the determination that property is not necessary for highway purposes and that department intends to dispose of it; P.A. 06-133 amended Subsec. (c) to make technical changes and to allow department to offer to sell or transfer land without public bid or auction to an abutting landowner who would otherwise be left with property that is nonconforming as to local zoning, effective June 6, 2006; P.A. 07-232 made a technical change in Subsec. (c), effective July 11, 2007.

Cited. 150 C. 526.

Cited. 9 CA 514.

Agency Legislative Proposal - 2013 Session

Document Name:100112_DOT_Local Bridge Program Reform

(If submitting an electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)

State Agency: Department of Transportation

Liaison: Pam Sucato
Phone: 860-594-3013
E-mail: pamela.sucato@ct.gov

Lead agency division requesting this proposal: Bureau of Engineering & Construction

Agency Analyst/Drafter of Proposal: Stanley Juber

Title of Proposal: An Act Concerning Local Bridge Program Reform.

Statutory Reference: CGS 13a-175p through 13a-175w

Proposal Summary: Revise CGS 13a-175p through 13a-175w to increase the reimbursement rate to municipalities to encourage participation in the Local Bridge Program and assist municipalities in reducing the number of deficient municipal bridges. The provision for loans from the Local Bridge Revolving Fund would be removed. Other changes include removal of the current 15% cap on engineering costs; streamlining of administrative requirements; and extension of the deadline for submitting applications.

Finally, ConnDOT has a capital request for $15M to enable the Department to resume issuing new grants under the Local Bridge Program.

Please attach a copy of fully drafted bill (required for review)

PROPOSAL BACKGROUND

- **Reason for Proposal**

ConnDOT proposes changes to the Local Bridge Program statutes to increase the available funding, encourage participation in the program, streamline the administrative process, reduce the number of deficient municipal bridges, and reduce the cost to the State of inspecting decayed municipal bridges. As of August 2012, there were at least 256 structurally-deficient municipal bridges eligible under the Local Bridge program (the number of deficient municipal bridges is likely higher than this, because municipal bridges with spans less than 20 feet are not inspected by the Department). The Department inspects local bridges with spans greater than 20 feet and notifies municipalities of our findings, however, all available funds in the Local Bridge Revolving Fund are already committed to existing projects, and the Department does not have another funding source to assist cities and towns. Unless a municipality can come up with its own funding to rehab or replace a bridge in town, they will eventually have to close these structures once they are deemed to be unsafe. Municipalities have asked often for reinstatement of the program and are extremely supportive of the changes

- **Origin of Proposal** ___ **New Proposal** _X_ **Resubmission**

Decision to defer to full budget year for consideration.

PROPOSAL IMPACT

- **Agencies Affected** (please list for each affected agency)

Agency Name: DEEP
Agency Contact (name, title, phone): Rob LaFrance, Legislative Liaison, 860-424-3401
Date Contacted: 9/28/12

Approve of Proposal ___ YES ___NO _x__Talks Ongoing

Summary of Affected Agency's Comments

Will there need to be further negotiation? ___ YES ___NO

- **Fiscal Impact** (please include the proposal section that causes the fiscal impact and the anticipated impact)

Municipal (please include any municipal mandate that can be found within legislation)
Costs for the Municipality would be reduced on an individual project basis because of the higher grant amounts available from the State. Streamlining of the grant process will reduce administrative expenses. According to information from municipalities, removing the duplicative flood management review will save approximately $40,000 per project, and will allow projects to be constructed sooner. Municipalities will be able to address more deficient structures if their financial commitment remains constant. Municipalities would save, in the aggregate, approximately $16.5 million in expenditures on municipal bridge projects (due to increased grant aid and reduced administrative costs).

State
Proposed $15M infusion in the Local Bridge Program. No additional staff needed. There will be some savings in ConnDOT inspection and administrative costs, but because the savings depend upon municipal action, the exact savings are difficult to quantify.

Reducing administrative requirements will result in a reduction in administrative cost and a reduction in time required for processing. Clarifying that grants made under the Local Bridge Program are not State actions or activities for the purposes of CGS sections 25-68b through 25-68h will result in considerable savings in staff time needed to review permit applications, which will enable staff to focus efforts on moving other projects along.

Because bridges in poor condition require more frequent inspection than bridges in good condition, the State will also save money on inspection costs (the inspection saving is difficult to quantify because it depends on how aggressive municipalities become in addressing deficient bridges).

No additional staff needed.

Federal
None.
Additional notes on fiscal impact

- **Policy and Programmatic Impacts** (Please specify the proposal section associated with the impact)

Section 1. To increase the reimbursement rate to municipalities so as to encourage participation in the program and reduce the number of deficient municipal bridges. Current statute allows for grants and loans to municipalities. At present, the grant percentage is calculated based upon a formula which takes into account the municipality's Adjusted Equalized Net Grand List per Capita, and varies from a minimum of 10% up to a maximum of 33% of the allowable project costs. The Department is proposing to increase the minimum grant to 15%, and the maximum grant to 50%, to make it more enticing to municipalities to initiate bridge projects.

In addition to grants, loans were historically available for up to 50% of project costs, with the interest rate set in statute at 6% (6% was a low interest rate at the time it was established). Because most municipalities require a larger loan to complete a bridge project than current statute allows, and most municipalities can borrow from other sources at lower interest rates, this loan program had not been utilized to any significant degree in many years. The last remaining loan under this program was paid off in June 2012.

It is proposed to remove the 15% limit for engineering costs on projects funded under the provisions of the Local Bridge Program. Because some engineering tasks, such as environmental permitting, tend to take a similar number of billable hours regardless of the project size, it has proven difficult to remain under the 15% cap, on smaller projects especially, reducing effective grant reimbursement to municipalities. This cap was originally put in place to mirror a similar cap under Federal funding regulations. The Federal cap was removed in the 1990s, resulting in different rules for State and Federal funding sources, which leads to confusion when a project is both State and Federally-funded..

Additional language is suggested for CGS 13a-175s to clarify that a Local Bridge Program Agreement is not a "public works contract" as the term is used in statutes governing purchases by the State, and therefore, the standard language required in State contracts, but not in municipal contracts, does not apply to State-Municipal agreements under the Local Bridge Program. This change will reduce the complexity of the agreements, reduce the amount of time required to process the agreements, reduce questions raised by agreement processing personnel as to the applicability of various statutory requirements, and reduce the number of unnecessary submittals required of municipalities. Some minor wording changes are proposed to increase readability. Obsolete date references are removed, and municipalities are allowed additional time to file preliminary applications. Historically, the Commissioner has generally extended the deadline well beyond March 1 as standard practice (typically to mid-May). With modern technology, the Department is able to review applications in less time than previously required.

Because a "state action" triggers a requirement for Flood Management Certification, municipal bridge projects which receive any type of state financial assistance, however small, must be reviewed at the state level in addition to municipal and Federal reviews (municipal projects with no state or federal funds involved are not reviewed by the state). Because this state review is more formal, and the

requirements of multiple state agencies must be satisfied, the process of state review for flood management compliance has become costly and time-consuming for both the municipalities and the Department. In some cases, the cost to comply with the state process exceeds the value of the state financial assistance provided, and in all cases, the time required to design a bridge project is extended by several months – which is often enough delay a project into the next construction season. Ultimately, both the state and the local reviews check compliance with the same federal standards, so the state review is an expensive duplication of reviews already done at the local level. With cuts to state and municipal budgets, remaining staff are having difficulty providing services in a timely manner, resulting in projects being delayed. Bridge projects which are delayed put the public at risk, result in increased costs for maintenance, inspection, financing and inflation, result in fewer jobs for construction workers, and create an impression among the public that the State does not place a high priority on maintaining its infrastructure. Section 2. $15M capital request. The Local Bridge Program provided for grants and loans to be made to municipalities to assist them in repairing or replacing structurally-deficient municipal bridges. The Program was funded by a series of bond sales and revenue transfers between 1984 and 1991, deposited into a Revolving Fund, along with accrued interest and loan repayment. Since that time, the Program has spent down the Local Bridge Revolving Fund (LBRF) to the point where all available funds were obligated to existing bridge projects. ConnDOT is requesting an addition $15 million for the Local Bridge Revolving Fund. This amount is estimated to be adequate to fund approximately two years' worth of new projects at recent prices and application volumes. This translates to the State's share of rehabilitating or replacing approximately 30 bridges.	

AN ACT CONCERNING LOCAL BRIDGE PROGRAM REFORM.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Sections 13a-175p through 13a-175w, inclusive, of the general statutes are repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

Sec. 13a-175p. Definitions. The following terms, as used in sections 13a-175p to 13a-175w, inclusive, shall have the following meanings unless the context clearly indicates a different meaning or intent:

(1) "Commissioner" means the Commissioner of Transportation.

(2) "Eligible bridge" means a bridge located within or between one or more municipalities in the State, the physical condition of which requires that it be removed, replaced, reconstructed, rehabilitated or improved as determined by the commissioner.

(3) "Eligible bridge project" means the removal, replacement, reconstruction, rehabilitation or improvement of an eligible bridge by one or more municipalities.

(4) (NEW) "Grant" means a grant as provided for in subsection (d) of section 13a-175s.

(5 ~~[4]~~) "Grant percentage" means a percentage established by the commissioner for each municipality by (A) ranking all municipalities in descending order according to each such municipality's adjusted equalized net grand list per capita as defined in section 10-261; and (B) determining a percentage for each such municipality on a scale from not less than [10%] 15% to not more than ~~[33%]~~ 50% based upon such ranking. In any case where a municipality does not have an adjusted equalized net grand list per capita such municipality shall be deemed to have the adjusted equalized net grand list per capita of the town in which it is located.

(6 ~~[5]~~) "Local bridge program" means the local bridge program established pursuant to sections 13a-175p to 13a-175u, inclusive.

(7 ~~[6]~~) "Local Bridge Revolving Fund" means the Local Bridge Revolving Fund created under section 13a-175r.

(8 ~~[7]~~) "Municipality" means any town, city, borough, consolidated town and city, consolidated town and borough, district or other political subdivision of the state, owning or having responsibility for the maintenance of all or a portion of an eligible bridge.

(9 ~~[8]~~) "Physical condition" means the physical condition of a bridge based on its structural deficiencies, sufficiency rating and load capacity all as determined by the commissioner.

(10 ~~[9]~~) "Priority list of eligible bridge projects" means the priority list of eligible bridge projects established by the commissioner in accordance with the provisions of section 13a 175s.

(11 ~~[10]~~) "Project costs" means the total costs of a project determined by the commissioner to be necessary and reasonable.

~~[(11) "Project loan" means a loan made to a municipality from the Local Bridge Revolving Fund and evidenced by the municipality's project loan obligation.]~~

[(12~~) "Project loan agreement" means a loan agreement with respect to a project loan as provided for in~~ subsection (c) of ~~section 13a-175s.~~]

~~[(13) "Project loan obligation" means an obligation of a municipality issued to evidence indebtedness under a~~ project ~~loan agreement and payable to the state for the benefit of the Local Bridge Revolving Fund.]~~

[(14]) "Project grant" means a grant-in-aid made to a municipality pursuant to section 13a-175s.]

(12 [15]) "Supplemental project obligation" means bonds or serial notes issued by a municipality for the purpose of financing the portion of the costs of an eligible bridge project not met from the proceeds of a [project] grant [or project loan].

Sec. 13a-175q. Local bridge program. The establishment of a program for the removal, replacement, reconstruction, rehabilitation or improvement of local bridges is a matter of statewide concern affecting the health, safety and welfare of the inhabitants of the state and of persons traveling within the state. It is the policy of the state to establish a timely and efficient method for municipalities to participate in this program and in furtherance thereof, sections 13a-175p to 13a-175w, inclusive, are intended to provide authority for municipalities to approve local bridge projects, and, in connection therewith, to authorize project [loan] agreements, and the issuance of [project loan obligations and] supplemental project obligations. For the purpose of ensuring and encouraging participation by municipalities in the benefits of the local bridge program, the powers of municipalities are expressly enlarged and expanded to include the power to do all things necessary and incident to their participation in the local bridge program under sections 13a-175p to 13a-175w, inclusive.

Sec. 13a-175r. Local Bridge Revolving Fund. There is established and created a fund to be known as the "Local Bridge Revolving Fund". The state shall deposit in said fund (1) all proceeds of bonds issued by the state for the purpose of making [project loans and project] grants to municipalities, including proceeds of any special tax obligation bonds which are issued for the purpose of funding the local bridge program [through project loans and grants], (2) any and all repayments of grants or loans [payments] made by municipalities [in respect of project loans including loan interest], (3) all appropriations for the purpose of making [project loans and project] grants, and (4) any additional moneys from any other source available for deposit into said fund. Moneys deposited in said fund shall be held by the treasurer separate and apart from all other moneys, funds and accounts. Investment earnings credited to the assets of said fund shall become part of the assets of said fund. Any balance remaining in said fund at the end of a fiscal year shall be carried forward in said fund for the fiscal year next succeeding. Amounts in the Local Bridge Revolving Fund shall be expended only for the purpose of funding [project loans and project] grants or for the purchase or redemption of special tax obligation bonds issued pursuant to sections 13b-74 to 13b-77, inclusive.

Sec. 13a-175s. Procedure for making [project] grants [and loans] under local bridge program. (a) The commissioner shall maintain a list of eligible bridges and shall establish a priority list of eligible bridge projects for each fiscal year. In establishing such priority list, the commissioner shall consider the physical condition of each eligible bridge.

[(b) In each fiscal year the commissioner may make project loans to municipalities in the order of the priority list of eligible bridge projects to the extent of moneys available therefor in the Local Bridge Revolving Fund. Each municipality undertaking an eligible bridge project may apply for and receive a project loan or loans. The aggregate amount of project loans made to a municipality with respect to any project shall be equal to the amount requested by the municipality up to an amount not to exceed 50% of the project costs allocable therefore to such municipality.]

[(c) Each project loan shall be made pursuant to a project loan agreement between the state, acting by and through the commissioner, and the borrowing municipality and shall be evidenced by a project loan obligation of the borrowing municipality issued in accordance with section 13a-175t. Each project loan agreement shall be in the form prescribed by the commissioner, provided that each project loan agreement shall provide for a project loan obligation bearing interest at the rate of 6% per annum payable quarterly and maturing no later than 10 years from the date of such obligation.]

(b [d]) In each fiscal year the commissioner may make [project] grants to municipalities in the order of the priority list of eligible bridge projects to the extent moneys are available therefore. Each municipality undertaking an eligible bridge project may apply for and receive a [project] grant equal to

its grant percentage multiplied by the project costs allocable to such municipality. Notwithstanding the provisions of this section, the commissioner may make grants for an eligible bridge project without regard to the priority list if, in the opinion of the commissioner, an emergency exists making the removal, replacement, reconstruction, rehabilitation or improvement of an eligible bridge more urgent than other bridges on the priority list, in order to protect the public health and safety.

(c ~~[e]~~) All applications for ~~[project loans and project]~~ grants ~~[for the fiscal year ending June 30, 1985, shall be filed with the commissioner no later than October 1, 1984, and for each succeeding fiscal year all such applications]~~ shall be filed with the commissioner no later than ~~[March]~~ May first of the fiscal year next preceding. The commissioner may for good cause extend the period of time in which any such application may be filed.

(d) (NEW) Each grant made by the state, acting by and through the commissioner, to the municipality shall have such terms and conditions as may be prescribed by the commissioner. Any grant made by the commissioner shall not be deemed to be a public works contract as such phrase is used in chapters 58 and 814c, and the requirements of said chapters shall not apply to such grants.

(e ~~[f]~~) A ~~[project]~~ grant ~~[or project loan]~~ shall not be made to a municipality with respect to an eligible bridge project unless: (1) each municipality undertaking such project has available to it, or has made arrangements satisfactory to the commissioner to obtain, funds to pay that portion of the project costs for which it is legally obligated and which are not met by ~~[project loans or project]~~ grants; (2) each municipality undertaking such project provides assurances satisfactory to the commissioner that it will undertake and complete such project with due diligence and that it will operate and maintain the eligible bridge properly after completion of such project; (3) each municipality undertaking such project and seeking a ~~[project loan or a project]~~ grant has filed with the commissioner all applications and other documents prescribed by the commissioner; (4) each municipality undertaking such project and seeking a ~~[project loan or a project]~~ grant has established separate accounts for the receipt and disbursement of the ~~[proceeds of project loans and project]~~ grants; and (5) in any case in which an eligible bridge is owned or maintained by more than one municipality, evidence satisfactory to the commissioner that all such municipalities are legally bound to complete their respective portions of such project. Notwithstanding any provisions of this subsection, the commissioner may make an advance grant to a municipality for the purpose of funding the engineering cost of an eligible bridge project. Such grant shall equal the municipality's grant percentage multiplied by the engineering cost, [which cost shall not exceed fifteen per cent of the construction cost of the project,] provided the amount of such advance shall be deducted from the total grant for the project.

~~[(g) Notwithstanding the provisions of subsections (b) and (d) of this section, the commissioner may make project grants~~ and project loans ~~with respect to an eligible bridge project without regard to the priority list of eligible bridge projects if a public emergency exists requiring the immediate removal, replacement, reconstruction, rehabilitation or improvement of the eligible bridge of such project to protect the public health and safety.]~~

(f) (NEW) Notwithstanding the provisions of any other section of the general statutes, a grant shall not be deemed to be a proposed state action, activity, or critical activity for the purposes of sections 25-68b through 25-68h, inclusive.

Sec. 13a-175t. [Project loans.] Supplemental project obligations. Municipal procedures. (a) A municipality may authorize ~~[(1) the execution and delivery of project loan agreements; (2) the issuance and sale of project loan obligations to finance its obligations under a project loan agreement; and (3)]~~ the issuance and sale of its supplemental project obligations, in accordance with such statutory and other legal requirements as govern the issuance of obligations and the making of contracts by the municipality. Supplemental project obligations shall be general obligations of the issuing municipality and each such obligation shall recite that the full faith and credit of the issuing municipality are pledged

for the payment of the principal thereof and interest thereon. Obligations authorized under this section shall be subject to the debt limitation provisions of section 7-374.

~~[(b) The legislative body of a municipality shall hold at least one public hearing on an eligible bridge project, including the authorization of project loan obligations and supplemental project obligations with respect thereto, prior to its vote on the approval or disapproval of the eligible bridge project and the authorization of financing therefore. Notice of the time, place and purpose of the hearing shall be published in a newspaper having general circulation in the municipality not less than five days prior to the day on which such hearing is to be held. For purposes of this subsection, such five-day period shall include the day upon which such notice is first published, and shall include any Saturday, Sunday or legal holiday, which may intervene between such publication and the day on which such hearing is held, but shall not include the day upon which such hearing is held.]~~

~~[(c) Each project loan obligation issued pursuant to this section shall bear interest at the rate of 6% per annum payable quarterly, shall mature in such amounts and at such time or times not later than 10 years from the date thereof and shall contain such other terms and provisions as the project loan agreement under which it is issued provides.]~~

~~[(d) [~~Project loan obligations and ~~supplemental project obligations shall be general obligations of the issuing municipality and each such obligation shall recite that the full faith and credit of the issuing municipality are pledged for the payment of the principal thereof and interest thereon.]~~

(b ~~[e]~~) Whenever a municipality has authorized the issuance of ~~[project loan obligations or]~~ supplemental project obligations, it may authorize the issuance of temporary notes in anticipation of the receipt of the proceeds from the issuance of its ~~[project loan obligations or]~~ supplemental project obligations. Such temporary notes may be renewed from time to time by the issuance of other notes, provided that any such renewals shall conform to all legal requirements and limitations applicable thereto, including the requirements and limitations set forth in sections 7-378 and 7-378a.

(c ~~[f]~~) Except as otherwise provided in this section, ~~[project loan obligations,]~~ supplemental project obligations and temporary notes issued in anticipation of the receipt of the proceeds thereof shall be issued by a municipality in accordance with such statutory and other legal requirements as govern the issuance of such obligations generally by such municipality, including, where applicable, the provisions of chapter 109.

Sec. 13a-175u. Regulations. The commissioner shall adopt such regulations in accordance with the provisions of chapter 54 as may be necessary to give effect to and carry out the purposes of sections 13a-175p to 13a-175t, inclusive.

Sec. 13a-175v. Interlocal Agreements. If an eligible bridge is owned or maintained by more than one municipality, the municipalities owning or maintaining such eligible bridge may enter into an interlocal agreement concerning such eligible bridge. Such interlocal agreement may provide, among other things, that one municipality shall be responsible for undertaking and completing an eligible bridge project, maintaining such eligible bridge project, applying for a ~~[project loan or a project]~~ grant ~~[, or both,]~~ for such eligible bridge project and ~~[repaying a project loan]~~ apportionment of costs for such eligible bridge project. A municipality is authorized to enter into such an interlocal agreement by vote of its legislative body and the provisions of sections 7-339a to 7-339*l*, inclusive, shall not be applicable to such interlocal agreement. Any such agreement entered into prior to May 27, 1987, is validated.

Sec. 13a-175w. Eligibility of municipality which enter into interlocal agreement for ~~[project loan or]~~ grant. In any case in which an eligible bridge is owned or maintained by more than one municipality and such municipalities enter into or have entered into an interlocal agreement authorized by section 13a-175v, the commissioner may deem the municipality which has agreed pursuant to such interlocal

agreement to undertake, complete and maintain an eligible bridge project to be the only municipality eligible for a ~~[project]~~ grant ~~[or a project loan, or both,]~~ concerning such eligible bridge project and the commissioner may make a ~~[project loan or project]~~ grant~~[, or both,]~~ to such municipality without regard to the ownership or other interests of any other municipality in such eligible bridge.

Section 2. (NEW) (*Effective upon passage*) (a) For the purposes described in subsection (b) of this section, the State Bond Commission shall have the power, from time to time, to authorize the issuance of bonds of the state in one or more series and in principal amounts not exceeding in the aggregate fifteen million dollars.

(b) The proceeds of the sale of said bonds, to the extent of the amount stated in subsection (a) of this section, shall be deposited into the Local Bridge Revolving Fund and used by the Department of Transportation for the purpose of providing grants to municipalities for removing, replacing, rehabilitating and reconstructing local bridges.

Agency Legislative Proposal - 2013 Session

Document Name : 100112_DOT_Mandatory Use of Motorcycle Helmets

(If submitting an electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)

State Agency: Department of Transportation
Liaison: Pam Sucato Phone: (860) 594-3013 E-mail: Pamela.sucato@ct.gov
Lead agency division requesting this proposal: Highway Safety Office
Agency Analyst/Drafter of Proposal: Stephen Livingston

Title of Proposal: An Act Concerning Protective Headgear for Motorcycle Operators and Passengers.
Statutory Reference: CGS Section 14-289g
Proposal Summary: To require all motorcycle operators and passengers to wear protective headgear.
Please attach a copy of fully drafted bill (required for review)

PROPOSAL BACKGROUND

- **Reason for Proposal**

Safety. Currently, Connecticut laws only require helmet use by persons under the age of 18 years (CGS Sec. 14-289g) and motorcycle learner permit holders (CGS Sec 14-40a). In 2011, a total of 36 motorcycle operators and passengers were killed on Connecticut roadways, representing 16.30 percent of the State's total traffic fatalities. Approximately 64 percent of the motorcyclists killed were not wearing helmets which represents approximately the same percentage as the previous year.

This proposal would amend CGS 14-289g to require all person who operate a motorcycle or a motor-driven cycle to wear protective headgear of a type which conforms to the minimum specifications established by regulations.

Motorcyclists are at a much higher risk of death and injury in crashes than passenger car occupants. Nationally, the fatality rate per vehicle mile traveled for motorcyclists is 18 times that of passenger car occupants. Head injury is a leading cause of death in motorcycle crashes. An unhelmeted motorcyclist is 40 % more likely to suffer a fatal head injury than a helmeted motorcyclist. Helmets are 67% effective in preventing brain injuries. Helmet use laws covering all motorcycle riders significantly increase helmet use and are easily enforced because of the rider's high visibility. Helmet use is estimated at 99% in states with universal helmet laws. States that have enacted universal helmet legislation have experienced significant drops in motorcycle deaths (15%-37%) within one year of passage. Conversely states that repealed or weakened helmet laws have experienced significant fatality increases.

- **Origin of Proposal** **__ New Proposal** **_x__ Resubmission**

Administration decision not to move forward.

PROPOSAL IMPACT

- **Agencies Affected** (please list for each affected agency)

Agency Name: Agency Contact (name, title, phone): Date Contacted: Approve of Proposal ___ YES ___NO ___Talks Ongoing
Summary of Affected Agency's Comments
Will there need to be further negotiation? __X_ YES ___NO

- **Fiscal Impact** (please include the proposal section that causes the fiscal impact and the anticipated impact)

Municipal: None
State: : Research conducted by the National Highway Traffic Safety Administration (NHTSA) in other states has demonstrated higher hospitalization costs for un-helmeted versus helmeted motorcyclists involved in crashes. For victims of serious head injury, acute hospital care might be only the first stage of a long and costly treatment program. For many crash victims, lost wages from missed work days will outweigh medical costs. And for victims who are permanently disabled, their earnings might be reduced for the rest of their lives.
Federal: None
Additional notes on fiscal impact

- **Policy and Programmatic Impacts** (Please specify the proposal section associated with the impact)

There will need to be a period of public education and an information campaign to educate riders and passenger on the change to the general statute making wearing a helmet mandatory.

AN ACT CONCERNING PROTECTIVE HEADGEAR FOR MOTORCYCLE OPERATORS AND PASSENGERS.

Sec. 14-289g. Protective headgear for motorcycle or motor-driven cycle operators and passengers [under eighteen years of age]. Regulations. Penalty. (a) No person [under eighteen years of age] may (1) operate a motorcycle or a motor-driven cycle, as defined in section 14-1, or (2) be a passenger on a motorcycle, unless such operator or passenger is wearing protective headgear of a type which conforms to the minimum specifications established by regulations adopted under subsection (b) of this section.

(b) The Commissioner of Motor Vehicles shall adopt regulations in accordance with the provisions of chapter 54 and the provisions of the Code of Federal Regulations Title 49, Section 571.218, as amended, establishing specifications for protective headgear for use by operators and passengers of motorcycles.

(c) Any person subject to the provisions of subsection (a) of this section who fails to wear protective headgear which conforms to the minimum specifications established by such regulations shall have committed an infraction and shall be fined not less than ninety dollars.